

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : CRIMINAL ACTION

vs. :

AVROM BROWN : NO. 18-101-3

**DEFENDANT AVROM BROWN'S MOTION TO JOIN PRE-TRIAL MOTION TO
STAY JURY TRIAL (Docket #410)**

Defendant AVROM BROWN, by and through undersigned counsel, David B. Mischak, Esquire, hereby joins in the following motion filed by defendant, Mitchell White, and avers as follows:

1. Avrom Brown requests permission to join Mitchell White's Motion to Stay the Current Jury Trial date Due to Government Breaches of *Brady v. Maryland* and Fed.R.Crim.P. 16. (Docket #410).

2. The defendant was indicted by a Superseding Indictment over three years ago. Trial had been set to proceed in this case on May 31, 2022. Shortly before the trial date, the Government revealed additional voluminous discovery to the defense that had been overlooked in the previous three years of discovery production.

3. The discovery includes, but is not limited to, over 75 hours of video and audio tapes. These materials were within the Government's control and should have been produced over two years ago.

4. The discovery also includes evidence exculpatory to Avrom Brown and the failure to provide it to the defense previously represents a breach of the Government's discovery obligations under Fed.R. 16 and *Brady v. Maryland*.

5. The late production of discovery also includes more than 300 patient files which contains in excess of 65,000 pages that the Government previously declined to produce without reasonable explanation.

6. It is further alleged that the Government has violated Mr. Brown's Constitutional and statutory rights to a speedy trial as guaranteed by the Sixth Amendment and the Speedy Trial Act.

7. In making this request, Avrom Brown neither waives his Sixth Amendment rights to a Speedy Trial nor his Fifth Amendment Rights to Due Process and the effective assistance of counsel. The Government's late production of the voluminous discovery that includes Brady material has deprived the defendant of his fundamental rights and therefore, the defendant intends to file a motion to dismiss the superseding indictment.

WHEREFORE, Avrom Brown respectfully requests that this Honorable Court enter an Order granting permission to join the above-referenced Pre-Trial Motion to Stay the Jury Trial and the arguments set forth in furtherance of the motion.

Respectfully submitted,

s/David B. Mischak
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DATED: 5/27/22

CERTIFICATE OF SERVICE

DAVID B. MISCHAK, ESQUIRE, hereby certifies that on the date set forth below a true and correct copy of the Defendant's MOTION TO JOIN PRE-TRIAL MOTION, has been served by electronic filing upon the following individuals on this date:

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